

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Michael Kontur) Civil Action No.: 3:13CV1478
Plaintiff,) Judge James G. Carr
)
Commissioner of Social Security)
Defendant.) JUDGEMENT ENTRY

This Court previously issued an Order setting the hourly rate, and granting in part and reducing in part plaintiff's application for attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). (Doc 24). In compliance with that Order, Plaintiff's counsel submits a revised statement for her fee award which includes the time expended on the EAJA litigation. A summary of the adjustments and the EAJA litigation hours and rates are attached.

It is, accordingly,

ORDERED THAT:

Plaintiff's motion for attorney fees under the EAJA is granted as revised as provided herein, and are awarded to plaintiff's counsel under the assignment of plaintiff, in the total amount of \$8,058.09.

s/James G. Carr

Sr. U.S. District Judge

Attachment to Proposed Order

REVISED FEE AWARD STATEMENT

KONTUR, MICHAEL
13-cv-01478

SUPPLEMENTAL REQUEST FOR EAJA LITIGATION TIME

<u>Date</u>	<u>Activity</u>	<u>Time</u>
10/16/2014	Draft and edit motion for leave to reply and reply.	3.0
10/15/2014	Research; obtain, review prevailing wage data, surveys affidavit.	1.25
10/13/2014	Review Defendant Response to EAJA motion; check local rules; docket	.25
Total supplemental, 4.5 hrs. @ 2014 prevailing rate \$189.75		\$853.88

2014 hours previously approved by Order	6.35@ \$189.75	\$1,204.91
---	----------------	------------

2013 Hours requested	40.45	\$7,564.15
2013 Hours reduced to 31.65 by Order	-6.5 @ \$187.00/hr	- 1,215.50
2013 Hours admin time reduced to paralegal rate	<u>-2.55@\$187.00/hr.</u>	<u>- 476.85</u>
Revised 2013 prevailing rate hours		5,871.80
+ 2.55 hrs. at paralegal rate of \$50/hr.		<u>+ 127.50</u>
2013 Revised EAJA fee (detail attached)		\$5,999.30

Total 2013 revised hours,	
2014 hours approved and supplemental request	<u>\$8,058.09</u>

Submitted by
/s/ Barbara A. Lavender
 Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2015, a copy of the foregoing Proposed Judgment Entry was filed electronically. Notice of the filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/Barbara A. Lavender
Attorney for Plaintiff

Case: 3:13-cv-01478-JGC Doc #: 20 Filed: 09/12/14 5 of 8. PageID #: 727

EAJA EXHIBIT A		TIME ENTRIES	KONTUR, MICHAEL. 3:13-CV-01478
<u>Date</u>	<u>Activity</u>		<u>Time</u>
9/12/2014	Integrate EAJA application prep time; Proofread, cite-check EAJA application; docket.		.55
9/8/2014	Research 6 th Cir. Cases on EAJA; prepare EAJA application, attachments.		2.6
9/5/2014	Prepare time entries, research BL.S website for Consumer Price Index; calculate Cost-of-living increased for EAJA base; docket and make history entries.		1.5
9/3/2014	Retrieve Court Order remanding case, Judgement entry; docket.		.2
8/25/2014	Phone conference with client; explain procedures, timeline; discuss EAJA fee, assignment.		.5
8/22/2014	Retrieve and review Government response; prepare assignment.		0.4
8/8/2014	Retrieve and Review Magistrate Report and Recommendation; docket; phone call to client.		.5
5/7/2014	Phone call from client for status; explain estimated time frame.		.1
12/4/2013	Phone call from client for status; explain estimated time frame.		.1 ← .1 admin time at paralegal rate of \$50/hr.
11/20/2013	Reply to Defendant's Brief filed on ECF.		.2
11/19/2013	Draft Reply; research; complete drafting Reply; final proofing, cite-check, editing of Reply.		4.5
11/18/2013	Retrieve and review Brief on Merits filed by Defendant.		.75
10/16/2013	Final editing of Plaintiff's Brief; e-file brief; docket and make history entries.		1.75
10/15/2013	Complete, edit Plaintiff's brief; check citations.		3.75
10/14/2013	Research, continue drafting Plaintiff's brief.		2.25 ← 2.25 of 6.5 hrs reduced by Judge Carr's 1-26-15 Order
10/11/2013	Research caselaw, regs, rulings, continue drafting plaintiff's brief.		5.2

Case: 3:13-cv-01478-JGC Doc #: 20 Filed: 09/12/14 6 of 8. PageID #: 728

10/10/2013 Draft Statement of Facts; identify issues, continue drafting.

4.25 of 6.5 hrs
reduced by Judge
Carr's 1-26-15
Order

10/8/2013 Outline issues, argument of Plaintiff's Brief. 4.25 ←

10/7/2013 Review. ALJ decision, identify weight given to medical opinions; research case law, formulate tentative argument. 1.4

10/4/2013 Annotate Court transcript. 7.25

9/18/2013 Retrieve and review Answer, Transcript filed; download to pdf file. .5

9/6/2013 Receive and review via mail copies of Proof of Service/receipt. 0.3

9/5/2013 Retrieve Service email from EFC. 0.1

8/1/2013 3:13-cv-01478-JGC Civil Docket for FDC Case; phone call to US Attorney office with client SSN. 0.2

7/18/2013 Retrieve Summons issued, Order from Court. 0.25

7/9/2013 Phone call to Treasury Dept to confirm no Federal Debt; Prepare and file Complaint, IFP motion, Cover Sheet, Summons Online 1.7

7/5/2013 Conference with client to prepare IFP form, prepare Treasury Dept Form FMS-13, fax to Treasury Dept. 1.2

7/2/2014 Phone conference with client to discuss filing complaint, IPP, answer questions about process, procedures, Federal debt. .3 ↴ ,3 admin time at paralegal rate of \$50/hr

6/20/2013 Prepare, send fax to District Office with change of client address.

5/24/2013 Receive and review Appeals Council denial of Request for Review. Review for merits of filing complaint.. 1.8 ↴ .2 ↴ .2 admin time at paralegal rate of \$50/hr.

TOTAL HOURS (math error) 7,564.15 46.8

TOTAL HOURS 2013: 40.45 RATE: \$187.00 Subtotal \$7,775.39

TOTAL HOURS 2014: 6.35 RATE \$189.75 Subtotal \$1,187.75

TOTAL \$8,862.39